

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:20-CR-00018(1)-ADA
	§	
(1) DARRELL JACOB BALMONTE	§	
RILLERA		

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On April 30, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) DARRELL JACOB BALMONTE RILLERA, which alleged that Balmonte Rillera violated a condition of his supervised release and recommended that Balmonte Rillera 's supervised release be revoked (Clerk's Document No. 53). A warrant issued and Balmonte Rillera was arrested. On June 20, 2024, Balmonte Rillera appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Balmonte Rillera appeared before the magistrate judge on July 2, 2024, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on July 2, 2024, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the

original offense and the intervening conduct of Balmonte Rillera, the magistrate judge recommends that this court continue Balmonte Rillera supervised release. The magistrate judge recommends the additional following special conditions: The defendant shall participate in the Location Monitoring Program with Radio Frequency Monitoring for a period of 120 days. The defendant shall abide by the rules and regulations of the Participant Agreement Form. During this time, the defendant shall remain at the place of residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without "caller ID, "call forwarding, call waiting, call back/call block, a modem or a portable cordless telephone for the above period as instructed by the probation officer. The defendant shall wear an electronic monitoring device and follow location monitoring procedures specified by the probation officer. The defendant shall pay for the costs of the program if financially able. The defendant will be placed on curfew and shall remain at the place of residence from 10:00 PM until 7:00 AM. The defendant shall abstain from the use of alcohol and/or all other intoxicants. The defendant shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a persons physical or mental functioning, whether or not intended for human consumption. (Clerk's Document No. 65).

A party may serve and file specific, written objections to the proposed findings

and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On July 2, 2024, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 64). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.


IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 65) is hereby **ACCEPTED AND ADOPTED** by this court.

IT IS FURTHER ORDERED that Defendant (1) DARRELL JACOB BALMONTE RILLERA's term of supervised release is hereby **CONTINUED**. In addition, defendant Balmonte Rillera shall comply with the following special conditions:

The defendant shall participate in the Location Monitoring Program with Radio Frequency Monitoring for a period of 120 days. The defendant shall abide by the rules and regulations of the Participant Agreement Form. During this time, the defendant shall remain at the place of residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at the place of residence without "caller ID, "call forwarding, call waiting, call back/call block, a modem or a portable cordless telephone for the above period as instructed by the probation officer. The defendant shall wear an electronic monitoring device and follow location monitoring procedures specified by the probation officer. The defendant shall pay for the costs of the program if financially able. The defendant will be placed on curfew and shall remain at the place of residence from 10:00 PM until 7:00 AM. The defendant shall abstain from the use of alcohol and/or all other intoxicants. The defendant shall not knowingly purchase, possess, distribute, administer, or otherwise use any psychoactive substances (e.g., synthetic marijuana, bath salts, etc.) that impair a persons physical or mental functioning, whether or not intended for human consumption.

IT IS FURTHER ORDERED that all prior conditions of supervised release are reimposed.

Signed this 2nd day of July, 2024.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE